



2009 SENATE BILL 273

1 **AN ACT** *to amend* 196.378 (1) (i), 196.378 (3) (a) 1. and 196.378 (3) (c); and *to*
2 *create* 196.378 (1) (h) 1. h., i. and j. and 196.378 (3) (a) 1m. of the statutes;
3 **relating to:** creation of renewable resource credits by electric providers,
4 inclusion of certain resources that generate electric power from certain fuel,
5 synthetic gas, or fuel pellets in the renewable portfolio standard, and granting
6 rule-making authority.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

7 **SECTION 1g.** 196.378 (1) (h) 1. h., i. and j. of the statutes are created to read:
8 196.378 (1) (h) 1. h. Synthetic gas created by the plasma gasification of waste.
9 i. Densified fuel pellets made from waste material that does not include
10 garbage, as defined in s. 289.01(9), and that contains no more than 30 percent fixed
11 carbon.

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1 j. Fuel produced by pyrolysis of organic or waste material.

2 **SECTION 1r.** 196.378 (1) (i) of the statutes is amended to read:

3 196.378 **(1)** (i) “Renewable resource credit” means a credit calculated in
4 accordance with rules promulgated under sub. (3) (a) 1., 1m., and 2.

5 **SECTION 2.** 196.378 (3) (a) 1. of the statutes is amended to read:

6 196.378 **(3)** (a) 1. Subject to subd. 2., an electric provider that provides total
7 renewable energy to its retail electric customers or members in excess of the
8 percentages specified in sub. (2) (a) 2., or that satisfies the requirements specified in
9 rules promulgated under subd. 1m., may, in the applicable year, create a renewable
10 resource credit and sell to any other electric provider the renewable resource credit
11 or a portion of the renewable resource credit at any negotiated price. An electric
12 provider that creates or purchases a renewable resource credit or portion may use
13 the credit or portion ~~in a subsequent year~~, as provided under par. (c), to establish
14 compliance with sub. (2) (a) 2. The commission shall promulgate rules that establish
15 requirements for the creation and use of a renewable resource credit created on or
16 after January 1, 2004, including calculating the amount of a renewable resource
17 credit, and for the tracking of renewable resource credits by a regional renewable
18 resource credit tracking system. The rules shall specify the manner for aggregating
19 or allocating credits under this subdivision or sub. (2) (b) 4. or 5.

20 **SECTION 3.** 196.378 (3) (a) 1m. of the statutes is created to read:

21 196.378 **(3)** (a) 1m. The commission shall promulgate rules that allow an
22 electric provider to create a renewable resource credit based on use in a year by the
23 electric provider, or a customer or member of the electric provider, of solar energy,
24 including solar water heating and direct solar applications such as solar light pipe
25 technology; geothermal energy; biomass; biogas; synthetic gas created by the plasma

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1 gasification of waste; densified fuel pellets described in sub. (1) (h) 1. i.; or fuel
2 described in sub. (1) (h) 1. j.; but only if the use displaces the electric provider's,
3 customer's, or member's use of electricity that is derived from conventional
4 resources, and only if the displacement is verifiable and measurable, as determined
5 by the commission. The rules shall allow an electric provider to create a renewable
6 resource credit based on 100 percent of the amount of the displacement.

7 **SECTION 4.** 196.378 (3) (c) of the statutes is amended to read:

8 196.378 (3) (c) A renewable resource credit created under s. 196.378 (3) (a),
9 2003 stats., may not be used after December 31, 2011. A renewable resource credit
10 created under par. (a) 1., 1m., or 2., ~~as affected by 2005 Wisconsin Act 141~~, may not
11 be used after the 4th year after the year in which the credit is created, except the
12 commission may promulgate rules specifying a different period of time if the
13 commission determines that such period is necessary for consistency with any
14 regional renewable resource credit trading program that applies in this state.

15 **SECTION 5. Nonstatutory provisions.**

16 (1) The public service commission shall submit in proposed form the rules
17 required under section 196.378 (3) (a) 1m. of the statutes, as created by this act, to
18 the legislative council staff under section 227.15 (1) of the statutes no later than the
19 first day of the 7th month beginning after the effective date of this subsection.

20 (END)